peacefully persuade the public from patronizing their store. *Held,* an injunction would not be granted restraining the defendants.

Questions of this sort frequently arise and the decisions are by no means uniform. Where one knowingly injures another he must show justification or privilege. Here public policy is the justification. 8 *Har. Law Rev.* 1. The recent decisions which separate picketing and peaceful persuasion from all circumstances of threat warrant the refusal to enjoin. *Allen v. Flood,* (1898) App. Cas. 1; Justice Holmes in *Vegelahn v. Guntner,* 167 Mass. 92.

MASTER AND SERVANT—FELLOW SERVANT.—ORMAN ET AL. V. SALVO, 117 FED. 223.—Workmen engaged in constructing a railroad grade were divided into day and night shifts. A member of the night shift was injured by a blast, of which no notice was given, while sleeping in a tent provided by the master. *Held,* that the fellow servant doctrine did not apply.

In *Washburn v. Nashville & C. R. Co.,* 40 Tenn. 638, the rule is well stated that one is not a fellow servant unless at the time of the injury he was acting in the service of the master. The following cases illustrate this principle; a deck hand not on duty, *Ry Co. v. Ross,* 112 U. S. 377; a section boss, killed while crossing tracks on way home from work, *Columbus & T. R. Co. v. O'Brien,* 4 Ohio Cir. Ct. 515; an employee of a factory, injured by negligence of co-employee in leaving street in front of factory in a defective and dangerous condition, *Baird v. Pettit,* 70 Pa. 477. *Contra,* railroad employee injured while on cars, but off duty, *Ry. Co. v. Ryan,* 82 Tex. 565; *Ry. Co. v. Welch,* 72 Tex. 298.

MINORS—NECESSARIES—COUNSEL FEES.—CRAFTS V. CARR, 53 ATL. 275 (R. I.).—An action for damages for indecent assault was successfully prosecuted by an attorney for a 17-year-old minor. After judgment, the minor attempted to enter into a disadvantageous compromise of the claim, but by the attorney's efforts the full amount was collected. *Held,* that the services of the attorney were necessaries.

There is no unanimity among the authorities as to what shall be the test to determine whether services rendered by an attorney to a minor are necessaries. A large class of cases hold that services rendered in relation to property are not necessaries. *Dillon v. Bowles,* 77 Mo. 603; 16 *Am. & Eng. Ency. Law* 275 (2nd ed.). Some authoritie adopt this rule excepting from it, however, services that are beneficial to the infant's estate. *Epperson v. Nugent,* 57 Miss. 45. Probably the best test, and the one sanctioned by the court in this case, is that no services shall be deemed necessaries unless indispensable to the personal relief, protection and support of the infant. *Munson v. Washband,* 31 Conn. 303; *Barker v. Hibbard,* 54 N. H. 339.

NEGLIGENCE—INJURIES TO CHILDREN—LIABILITY OF LANDOWNER.—PAOLINO V. MCKENDALL, 53 ATL. 268 (R. I.).—Where an occupant of premises on which children were accustomed to play, set a fire thereon, and a young child was attracted thereby and burned, the occupant, though he had taken no precautionary measures, was *held* not liable for the injuries.

This case involves an application of the rule in the so-called "turn-table cases," established by the Supreme Court in *Railroad Co. v. Stout,* 17 Wall. 657. It was there held that an owner of machinery or other property attractive to children, is liable for injuries happening to them, although wrongfully interfering with such property on his premises. The court